

Attorney Docket No.: 8920-000005

REMARKS

Claims 3 and 7, 9-11, 13-16, as amended in previous papers and herein, and new claims 19-28 are pending in the application.

Rejections under 35 U.S.C. §112, first paragraph

In the present office action, claims 3 and 6-18 were rejected for written description regarding the range of 10 µg/ml to about 2 mg/ml for the glycosylation inhibitor 2-deoxyglucose recited in claim 3. In order to reach favorable conclusion of prosecution, claim 3 has been amended to recite a range of 0.05 mg/ml to 1 mg/ml.

The claims were also rejected for reciting a pH of "about 3 to 8." Claim 3 is now amended to recite a pH of between 3 to 8. This amendment finds support at least on page 5, line 9.

Support for claim 3 can be found in claim 3 as originally filed. In addition, support for "about 2.236 units/ml" can be found at least on page 9 line 8; support for "about 140.60 units/ml" can be found at least on page 9 line 27; support for a range of 0.05 mg/ml to 1 mg/ml can be found at least on page 9, lines 8 and 9 (table 1 entries for 0.05 mg/ml and 1 mg/ml 2-deoxy-D glucose, respectively).

Support for claim 15 as amended can be found at least on page 9, lines 23-25.

Support for claim 16 as amended can be found at least on page 10, lines 15-26.

Support for claim 19 can be found at least on claim 3 as originally filed, page 9 lines 6-7 and page 9 line 11.

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Support for claim 20 can be found at least on page 9, line 6.

Support for claim 21 can be found at least on page 9, line 7.

Support for claim 22 can be found at least on page 9, line 22.

Support for claim 23 can be found at least on page 10, lines 2-13.

Support for claim 24 can be found at least on page 10, lines 15-26.

Support for claim 25 can be found at least on page 10, lines 15-17.

Support for claim 26 can be found at least on page 10, lines 17-20.

Support for claim 27 can be found at least on claim 10 as originally filed.

Support for claim 28 can be found at least on page 5, lines 14-19.

Response to arguments regarding 35 U.S.C. §112, second paragraph

In the present Office Action, the PTO rejected claim 3 for indefiniteness regarding antecedent basis for "said preparation." This language has been modified in the present amendments.

The PTO also rejected claims 8, 17, and 18 regarding antecedent basis in claim 3 for the compounds recited. In the present claims as amended, these claims have been cancelled without prejudice or disclaimer in the present response.

The PTO objected to claim 6 under 37 CFR 1.75(c). Claim 6 is also cancelled without prejudice or disclaimer in the present response.

Interview Summary under 37 CFR § 1.133(b)

Applicants thank Examiner Marx for the courtesies extended in the interview with

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Applicants' attorney on May 26, 2004. Pending claims were discussed with respect to U.S.P.T.O. rejection of the pending claims under 35 U.S.C. § 112 regarding written description and enablement. Amendments were discussed to overcome the rejections and to correct inconsistencies and errors. The deposit information will be corrected in the specification. It was counsel's position that the data for 5 mg/ml deoxyglucose at page 9, reviewed with the Examiner during the interview, appeared to be inconsistent with data presented on page 10, lines 15-26 (Example 2). It was suggested by the Examiner that a declaration of the inventors with data be provided to resolve the apparent inconsistencies. Agreement with the U.S.P.T.O. on allowable subject matter was not reached during the interview.

The inventor, in response to the request for additional data, has provided a declaration under 37 C.F.R. § 1.132, enclosed herein. In the declaration, the inventor explains, inter alia, that the data in Table 2 (which are discussed on page 10 of the specification) involve conditions different from the experiments of table 1: the former include mannose in the medium. Furthermore, the inventors provide data to supplement the data presented in Table 1.

A certificate of deposit of a strain fungal strain used in the present application is included herein.

It is believed that the claims are in a condition for allowance and such favorable action is respectfully requested.

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If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

Dated: 1 July 2004

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